

LINCOLN TOWN COUNCIL & PLANNING BOARD

SPECIAL WORK SESSION – ZONING ORDINANCE REVISIONS

JUNE 8, 2006

MINUTES

A joint work session of the Lincoln Town Council and Lincoln Planning Board was held on the Zoning Ordinance revisions on Wednesday, June 8, 2006 at Lincoln Town Hall, 100 Old River Road, Lincoln, RI.

Council members present were President Elizabeth Robinson, Keith Macksoud, Ronald McKenna, and Jeremiah O’Grady. Absent was Ronald Loparto. Planning Board members present were Patrick Crowley and Gregory Mercurio. Absent were Diane Hopkins, David Lund, John Mancini, Gerald Olean, and Michael Reilly. Also present was Town Planner Albert Ranaldi, Zoning Official Russell Hervieux, and Town Solicitor Mark Krieger.

Mr. Ranaldi stated that a summary of the changes was submitted to everyone. One of the submitted changes was to delete Section § 260-9C: Three-family and to change §260-9D to Multi-family, 3 or more units. In the Residential District table §260-23, after going over the numbers, some proposed new districts will not work. Under RL-9, three-family houses will be deleted. Also Affordable Three-family houses will be deleted. Under RG-7, Three-family houses are deleted as well as Affordable Multi-family. Mr. Macksoud stated that a

two-family affordable could be built on the same lot as a single-family home or an affordable three family on a smaller lot. Mr. O'Grady stated that would encourage the development of affordable housing. Mr. Ranaldi stated that under RG-7, an affordable three-family would require 8,500 sq. ft. and two parking spots per unit. Mr. Macksoud stated that a two-family would need four parking spots. Mr. Ranaldi stated that an applicant could get relief from the Zoning Board for parking, for example, if the third floor apartment was a one-bedroom unit. Mr. McKenna asked if a one-bedroom apartment was eligible to be affordable and Mr. Ranaldi replied yes, if it meets the guidelines. Mr. Macksoud asked if a variance was easy to obtain and Mr. Hervieux replied that a dimensional variance would be needed which is harder to obtain. Mr. Ranaldi stated that the applicant could file a Comprehensive Permit to get affordable units. If there were three one-bedroom apartments, you would only need three parking spots. Mr. Hervieux stated that they developed the number to give an incentive to the developer. The developer will go for market units for more money. If they go for a Comprehensive Permit, they can bypass the regulations.

Mr. Hervieux explained that two new residential uses were proposed: 1) Accessory Family Dwelling Unit and Accessory Affordable Dwelling Unit. He explained the two uses and the differences. An Accessory Family Dwelling unit must be attached to the main home and must be occupied by a family member. An Accessory Affordable Dwelling Unit can be rented out to anyone who meets the income guidelines and the unit must be deed-restricted as an affordable unit.

An applicant seeking to add an accessory family dwelling unit must apply for a special use permit, which shall be renewed by the Zoning Board every five years from the date the permit was granted. Mr. Mercurio asked who would monitor the family dwellings and Mr. Hervieux replied that it would be tracked annually – if verification is not sent in, the applicant can lose the special use permit by a violation. Mr. Mercurio asked what the impact would be. Mr. Krieger stated that the Municipal Court could issue an order closing the unit down. Ms. Robinson commented that now that the Town has its own Municipal Court, the town has more power to control issues like this. Mr. Crowley asked for the definition of relative and Mr. Ranaldi replied that the definition is on page 11. Mr. Macksoud asked what happens to the Accessory Family Dwelling unit after his parents die. Mr. Ranaldi stated that it could be converted to an Accessory Affordable Dwelling Unit by putting a deed restriction on the property for thirty years. Mr. McKenna asked if this would apply in all zones and Mr. Ranaldi replied yes. Mr. Crowley commented that you could not sell your house with an in-law apartment. Mr. Krieger stated that the new owner could obtain a Special Use Permit from the Zoning Board. Mr. Macksoud stated that to add an Accessory Family Dwelling Unit, you are doing it for a relative. It does nothing for affordable housing even if you do not charge rent. The Town is hoping that the owner changes the unit to an Affordable Accessory Dwelling unit if circumstances change. Mr. Mercurio stated that the Town is creating a monster; the Accessory Affordable Dwelling Unit should be deleted. Mr. Crowley stated that there is no incentive to spend money on an

in-law apartment. Mr. Ranaldi stated that he has seen successful in-law ordinances. Mr. Macksoud stated that in-law apartments are good. Mr. Crowley asked why build an in-law apartment and then leave it empty. If his parents lived with him, and he sold the house, his parents would also have to move. His parents could not live there with a different owner. He is also concerned with the Zoning Board deciding who is considered family – your life-long partner could have children. Mr. O’Grady asked about domestic help living in the in-law apartment, and Mr. Hervieux replied that domestic help would have to live in the single-family home with the family. It was agreed to delete (N) Accessory Affordable Dwelling Unit on page 25.

Mr. Hervieux explained the new zone – Village Commercial Mixed Use. This new zone would be in Manville and Fairlawn. Ms. Robinson asked about the Lonsdale Bleachery and Mr. Ranaldi stated that the Lonsdale Bleachery would fall under the Mill Conversion Overlay district. Mr. Hervieux explained that it is a mix of RG-7 and BL-05 and there are numerous businesses and residential units that now exist. Mr. O’Grady asked about offices that generate traffic. Mr. Hervieux stated that there would be no big box stores. On Winter Street, there may be a restaurant and apartments above it. As seen in villages, there may be a small business such as a CPA office. Mr. McKenna asked about exhaust smells from a restaurant. Mr. Hervieux stated that a Special Use Permit would be needed. Mr. Ranaldi stated that along Smithfield Avenue, a special use variance is needed for an office and apartments. In Manville, village type uses on the first floor

would fill up vacant storefronts. Mr. McKenna asked about parking. Mr. Ranaldi stated that there could be a small hairdressing business with only one hairdresser, and the patrons are neighbors who walk there. Mr. Macksoud asked what the purpose of the new zone was – to get commercial business or to increase affordable units. Ms. Robinson asked where affordable fit in. Mr. Ranaldi replied that there could be a three family with one unit commercial, one unit affordable, and one unit market rate. Mr. Hervieux stated that the zone would be from Higginson Avenue to the Pawtucket line and on Winter Street from Central to Railroad Street. Mr. O’Grady asked how the existing businesses came to be. Mr. Krieger stated that a lot of them are non-conforming. Mr. McKenna asked if this zone was specific to these two areas only and Mr. Hervieux replied yes. Mr. Ranaldi stated that Three-family and Affordable Multi-Family is being deleted under §260-26: Village Commercial Mixed Use Districts. Mr. Hervieux stated that the idea is to maintain a village concept.

Mr. Ranaldi stated that the Rural Flexible Zone has been spruced up. §260-46 gives developers no incentives. A development can be condensed in order to save open space along the roadway of a development. Lincoln Meadows I and II could have been done under this zone. Mr. Krieger stated that an impact study is almost complete.

Mr. Ranaldi stated that this gives developers a bonus but 40% is dedicated as open space. Mr. Crowley asked what standards must be met for the Planning Board to go below 40% and Mr. Ranaldi replied that it is within the Board’s discretion. Mr. O’Grady stated that helps

with storm water discharge, as there are less impervious areas. Mr. Crowley stated that it might be worthwhile to go below 40% if there is a good development, but only 35% is available for open space. Mr. Mercurio stated that the reasons would have to be documented for a reduction in the amount of open space. Mr. Krieger stated that all land is unique – specific findings of fact would be on the record – it would not set a precedent.

Mr. Ranaldi explained the Mill Conversion Overlay Zoning on page 61. It would apply to specific properties and allow new uses for old buildings. A special use permit would be required. It incorporates commercial and residential uses with commercial uses on the first floor and residential on the second. Mr. Macksoud asked if the town would bring in the roads and utilities. Mr. Ranaldi stated that the Lonsdale Bleachery has no public services. The developer could pay for the roads and dedicate them to the Town. Mr. Macksoud asked about commercial vehicles and how they are determined. Mr. Ranaldi stated that it is based on state law. Mr. Ranaldi stated there is a difference if a commercial building has five company trucks – they would be considered commercial vehicles. Mr. Hervieux stated that a truck could be a commercial vehicle, but registered to the owner of a condo. Mr. Macksoud asked Mr. Ranaldi to define a commercial vehicle and Mr. Ranaldi stated a commercial vehicles weighs over 10,000 lbs –gvw. It is determined by the weight of the vehicle.

Mr. Macksoud asked about underground utilities. Mr. Ranaldi replied

that most utilities are already underground. Mr. O'Grady asked about private sewers and Mr. Ranaldi replied that the developer would have to abandon private sewer if dedicating the road to the Town. Mr. Ranaldi further stated that a special use permit would be required and that 20% of the units would have to be affordable housing units. The number of affordable units in #N on page 65 would be boosted to 25%. Mr. Crowley asked about a Comprehensive Permit and Mr. Ranaldi replied that a Comprehensive Permit follows the Town's Affordable Housing Plan. Mr. Mercurio asked if the developer could make it a 55 & over development, and Mr. Ranaldi replied yes. Mr. Crowley stated that the affordable units would have to be mixed in. Mr. McKenna asked what the impact on schools would be on the affordable units. Ms. Robinson stated that the Town is required to meet 10% affordable housing units.

Mr. Ranaldi stated that there have also been changes to the zoning maps. Mr. Krieger asked if the residents were notified of the zone changes and Mr. Hervieux replied yes.

Mr. Ranaldi stated that the Zoning Board has already made a recommendation and the Planning Board will be making a recommendation on June 28th. The Town Council will have all recommendations by the public hearing on July 25th.

Respectfully submitted,

Margaret Weigner